

Law Offices of Ronaldo C. George, LLC
485 Georges Road, Suite 112
Dayton, NJ 08810
(732) 579-4300
Ronaldo C. George, Esq. RG-0430
Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

In re:

DARYL S. MARTIN

CASE NO.: 18-34619-KCF

CHAPTER: 13

Debtor(s)

DEBTOR'S OBJECTION TO BANK OF AMERICA PROOF OF CLAIM FOR
7 SARAH COURT, MONMOUTH JUNCTION, NJ

To:

Albert Russo
Standing Chapter 13 Trustee
CN 4853
Trenton, NJ 08650

Bank of America Home Loans
P.O. Box 26078
Greensboro, NC 27420

Millstead & Associates, LLC
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, New Jersey 08002

Daryl S. Martin
7 Sarah Court
Monmouth Junction, NJ 08852

I, Ronaldo C. George, Esq., make this Certification in support of my objection to the proof of claim filed by Bank of America Home Loans for Debtor's property located at 7 Sarah Court, Monmouth Junction, New Jersey. I certify that I am fully familiar with the facts of this case.

1. Debtor's Chapter 13 Petition was filed on December 17, 2018 under Case Number 18-34619-KCF.

2. Creditor Bank of America filed a Mortgage Proof of Claim, Equity Maximizer Agreement and Disclosure Statement, and Copy of Mortgage on February 1, 2019. (See Exhibit A)

3. Paragraph 4 of the Equity Maximizer Agreement and Disclosure Statement clearly states "This Agreement covers a revolving line of credit for the principal amount of \$224,000.00.

4. As this was an equity line of credit, debtor maintains that he did not utilize the entire \$224,000.00 that was available under the Home Equity Line Agreement.

5. Debtor used checks supplied by secure creditor to draw from this Home Equity Line of Credit Agreement however debtor disputes that the principal amount utilized was \$223,900.00.

6. Copies of home equity line of credit checks used by Debtor were destroyed in a fire at his residence in January of 2018. Thus, while Debtor admits he used the home equity line of credit, proof of actual amounts owed that were in his possession are not available.

7. Debtor Objects to Secured Creditor Bank of America's Proof of Claim to the extent that secured creditor has not provided proof by way of copies of cancelled home equity line of credit checks that debtor utilized \$223,900.00 of the \$224,000.00 credit line.

8. Debtor request that secured creditor provide proof of cancelled checks written against home equity line of credit which proves debtor utilized the full home equity line of credit in the amount of \$224,000.00.

9. Should secured creditor Bank of America provide proof that debtor utilized the full home equity line of credit in the amount of \$224,000.00 then debtor shall withdraw his objection to this proof of claim.

10. Should secured creditor Bank of America be unable to provide proof that debtor utilized the full home equity line of credit in the amount of \$224,000.00 then debtor respectfully requests that the Proof of Claim filed by Bank of America on February 1, 2019 be amended to provide an accurate amount of debtor's indebtedness and the Chapter 13 Plan be modified to reflect accurate amounts owed under the amended proof of claim.

Dated: May 21, 2019

/s/ **Ronaldo C. George**
Ronaldo C. George, Esq.
Attorney for Debtors

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CERTIFICATION OF SERVICE

1. I, Ronaldo C. George, Esquire, represent the Debtor Daryl Martin in the above captioned matter.

2. On May 21, 2019, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

(x) DEBTOR'S OBJECTION TO BANK OF AMERICA PROOF OF
CLAIM FOR 7 SARAH COURT, MONMOUTH JUNCTION, NJ

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: May 21, 2019

/s/ Ronaldo C. George
Ronaldo C. George, Esq.
Attorney for Debtors

SERVICE LIST

Name and Address of Party Served	Relationship of Party to Case	Mode of Service
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650	Trustee	Notice of Electronic Filing (NEF) and First Class Mail
Millstead & Associates, LLC Woodland Falls Corporate Park 220 Lake Drive East, Suite 301 Cherry Hill, New Jersey 08002	Creditor Attorney	Notice of Electronic Filing (NEF) and First-Class Mail
Daryl S. Martin 7 Sarah Court Monmouth Junction, New Jersey 08852	Debtor	Regular Mail
Bank of America Home Loans P.O. Box 26078 Greensboro, NC 27420	SECURED CREDITOR	First Class Mail and Certified Mail, RRR

EXHIBIT A

